

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Case No. 6:05-cr-60039-MC

Plaintiff,

**STIPULATION AND ORDER
VACATING AND SETTING ASIDE
SENTENCE PURSUANT TO 28
U.S.C. § 2255**

v.

CHRISTOPHER MICHAEL LOW,

Defendant.

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255. Based on the Supreme Court's decisions in *Johnson v. United States*, 135 S. Ct. 2551 (2015) and *Welch v. United States*, 136 S. Ct. 1257 (2016), the parties agree to resolve this matter, without precedential value in any other case, as follows:

The sentence in this case should be vacated and set aside and that a new sentence of time served should be imposed without a formal resentencing. A condition of supervised

release be added requiring that the defendant reside in a residential reentry center for up to 180 days, Lane County Community Corrections in Eugene, Oregon recommended.

The Statement of Reasons should be amended to reflect a guideline range of 63 to 78 months' imprisonment, based on a Total Offense Level 19 and Criminal History Category VI which the defendant has served.

The defendant has consulted with counsel and agrees to waive his right to a resentencing hearing and allocution, and any right he may have to be present for the resentencing, and stipulates to the provisions above.

Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that the sentence imposed on March 28, 2006, is hereby vacated and set aside.


IT IS FURTHER ORDERED that a sentence of time served is imposed with an additional condition of supervised release that the defendant reside in a residential reentry center for up to 180 days, Lane County Community Corrections in Eugene, Oregon recommended. All other aspects of the judgment and commitment order previously entered in the case, including the terms and conditions of supervised release, shall remain in full force and effect.

IT IS FURTHER ORDERED that the Statement of Reasons shall be amended to reflect a guideline range of 63 to 78 months' incarceration, based on Total Offense Level 19 and Criminal History Category VI.

IT IS FURTHER ORDERED that the defendant be released forthwith from the custody of the Bureau of Prisons and that he report to the U.S. Probation Office in Eugene, Oregon within 72 hours of his release.

IT IS FURTHER ORDERED that the Bureau of Prisons shall arrange for the defendant's non-custodial transportation to Eugene, Oregon, upon his release.

Dated this 5 day of October, 2016.



Honorable Michael J. McShane
United States District Court Judge

Presented upon agreement of the parties by:

s/ Craig E. Weinerman
Craig E. Weinerman
Assistant Federal Public Defender
Counsel for Defendant

BILLY J. WILLIAMS
United States Attorney

s/ Frank R. Papagni Jr.
Frank R. Papagni
Assistant United States Attorney